

1 STEVEN E. SHAPIRO (State Bar No. 120200)
 2 MITCHELL SILBERBERG & KNUPP LLP
 3 11377 West Olympic Boulevard
 4 Los Angeles, CA 90064-1683
 5 Telephone: (310) 312-2000
 6 Facsimile: (310) 312-3100

FILED

OCT 26 2005

RICHARD W. WIEKIN
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

7 Attorneys for Defendant
 8 Homestore, Inc., The National Association of
 9 Realtors and The National Association of
 10 Home Builders of the United States

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 KEVIN L. KEITHLEY,
 15 Plaintiff,
 16 v.
 17 HOMESTORE.COM, INC., et al.,
 18 Defendants.

Case No. C 03-4447 MJJ

The Honorable Martin J. Jenkins

[PROPOSED] SCHEDULING
 ORDER

ORIGINAL

19 Pursuant to this Court's direction, the parties submit the following
 20 schedule:

21 November 4, 2005	Keithley shall serve a Disclosure of Asserted Claims and
22	Preliminary Infringement Contentions as described in NDCal
23	Local Rule 3-1 and shall produce for inspection materials
24	listed in NDCal Local Rule 3-2. Preliminary Infringement
25	Contentions may be amended as described in NDCal Local
26	Rule 3-6(a).

Received 10/21/2005 09AM in 02:12 from 650 361 1000 on line 17... or FAX7 * Pg 3/4
 Oct 21 05 08:06a Kevin L. Keithley 650-361-1000

p.3

1	January 13, 2006	Defendants shall serve a Preliminary Invalidity Contentions as described in NDCal Local Rule 3-3 and shall produce for inspection materials listed in NDCal Local Rule 3-4. Preliminary Invalidity Contentions may be amended as described in NDCal Local Rule 3-6(b)
2	January 24, 2006	Keithley and Defendants shall exchange Proposed Terms and Claim Elements for Constructions as described in NDCal Local Rule 4-1(a). The parties shall meet and confer with respect to their Proposed Terms and Claim Elements for Constructions as described in NDCal Local Rule 4-1(b) within 10 days after the exchange.
3	February 3, 2006	Keithley and Defendants shall exchange Preliminary Claim Constructions and Extrinsic Evidence as described in NDCal Local Rule 4-2(a) and (b). The parties shall meet and confer with respect to their Preliminary Claim Constructions and Extrinsic Evidence as described in NDCal Local Rule 4-2(c) within 10 days after the exchange.
4	March 6, 2006	Keithley and Defendants shall complete and file a Joint Claim Construction and Prehearing Statement as described in NDCal Local Rule 4-3.
5	April 6, 2006	Keithley and Defendants shall complete claim construction depositions as described in NDCal Local Rule 4-4.
6	May 22, 2006	Keithley shall file a opening brief as described in NDCal Local Rule 4-5(a).
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

Received 10/21/2005 .04AM in 02:12 from 650 361 1000 on Line 12...or FAX7 * Pg 4/4
 Oct. 21 05 08:06a Kevin L. Keithley 650-361-1000

P.4

1	June 6, 2006	Defendants shall file a responsive brief as described in NDCal Local Rule 4-5(b).
2		
3	June 13, 2006	Keithley shall file a reply brief as described in NDCal Local Rule 4-5(c).
4		
5	JUN 28, 2006, 10:00 a.m.	Pre-Markman Hearing Conference <i>Tutorial</i>
6	July 12, 2006, 10:00 Am	Markman Hearing
7	Feb. 6, 2007, 3:30 p.m.	Pretrial Conference
8	Feb. 12, 2007, 8:30 a.m.	Trial

9

10 Dated: October 14, 2005

STEVEN E. SHAPIRO
MITCHELL SILBERBERG & KNUPP LLP

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

By:

*Steven E. Shapiro*Attorneys for Defendant Homestore,
Inc., The National Association of
Realtors and The National Association of
Home Builders of the United States*Kevin Keithley*

KEVIN KEITHLEY, Plaintiff Pro Per

*Hon. Martin J. Jenkins*Hon. Martin J. Jenkins
United States District Court Judge

IT IS SO ORDERED.

10/26

2005

Dated: 10/26, 2005

* New DATES. Times subject to change

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18, and not a party to the within action; my business address is Mitchell Silberberg & Knupp LLP., Los Angeles, California 90064-1683.

On October 21, 2005, I served the foregoing document described as DEFENDANTS' STATUS CONFERENCE STATEMENT on the parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows, and taking the action described below:

Kevin L. Keithley
325 Sharon Park Drive, Suite 512
Menlo Park, California 94025

Fax 650-361-1880

BY PLACING FOR COLLECTION AND MAILING: I sealed and placed the envelope(s) for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at , Los Angeles, California 90064-1683 in the ordinary course of business.

Executed on October 21, 2005, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Jennifer D. Gaines
Jennifer Gaines